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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,437	11/16/2000	Lynn Watson	5087-21	5708
20575	7590	10/31/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			STEVENS, THOMAS H	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/715,437	Applicant(s) WATSON ET AL.	
	Examiner Thomas H. Stevens	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7,10-17 were examined.
2. Claims 8,9,18-20 were canceled.

Section I: Non-Final Rejection

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/18/2006 has been entered.

Specification (Abstract)

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use

Art Unit: 2123

thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

5. The abstract of the disclosure is objected to because the abstract dated 11/16/2000 is silent to events involving emulation. Correction is required. See MPEP § 608.01(b).

Claim Objection

6. Claim 1 is objected to since the language, technically, is confusing: "An operating environment emulation system, comprising: a memory to:". The Office believes applicants meant to say "comprising a processor to:". Clarification is requested.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2123

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traut (US Patent 6,651,132, hereafter Traut) in view of Krammer (US Patent 6,826,387 hereafter Krammer) and in further view of Hansen et al., (US Patent 5,202,976 Hansen).

Traut teaches a system and method for emulating the operation of a translation buffer (title) in an operating environment emulation system (Traut: column 6, line 30)

Art Unit: 2123

with a host computer (Traut: column 6, lines 54-57); but fails to teach data files, multiple emulators as well as connectors. Hansen teaches coordinating measurement activity of a multiple of emulators (Hansen: column 3, line 36) while Krammer teaches data files ("data storage", Kammer: column 8, line 10) and connectors (Krammer: column 14, line 7).

All three pieces of art are analogous since each one teaches computer emulation.

Therefore it would have been obvious to one having ordinary skill in the art at the time of invention was made to utilize the various microprocessors of Hansen and the virtual serial ports of Krammer in the host computer of Traut because Hansen teaches a method for facilitating system restarts from selected conditions (Hansen, column: 4, lines 60-61) while Krammer teaches an efficient approach for providing the service name for a legacy application, so that the legacy application is readily identifiable to the user (Krammer, column 4, lines 28-30)

Claim 1. An operating environment emulation system (Traut: column 6, line 30), comprising: a memory (Traut: column 5, line 63) to: store multiple emulators (Hansen: column 3, line 36), wherein each emulator contains instructions to emulate a particular operating environment (Traut: column 6, line 22) having and a particular operating system (Traut: column 6, line 30); store a data file ("data storage", Kammer: column 8, line 10) containing elements necessary to execute an emulated operating system operating (Traut: column 6, line 30) on a first computer; and a connector (Krammer:

Art Unit: 2123

column 14, line 7), operable to allow the memory to be disconnected (user initiated) from the first computer and to connect the memory to a host computer (Traut: column 6, lines 54-57).

Claim 2. The system of claim 1, wherein the connector is a Universal Serial Bus cable (Krammer: column 7, line 51).

Claim 3. The system of claim 1, wherein the connector is an IEEE-1394 cable (Krammer: column 9, line 14).

Claim 4. The system of claim 1, wherein the connector uses an infrared link (Krammer: column 6, line 13).

Claim 5. The system of claim 1, wherein the connector is an Ethernet cable (Krammer: column 9, line 14).

Claim 6. The system of claim 1, wherein the connector uses a wireless link in accordance with 802.11b (Krammer: column 7, line 11).

Claim 7. The system of claim 1, wherein the host computer is personal computer compatible (Krammer: column 6, line 7).

Art Unit: 2123

Claim 10. The system of claim 1, wherein the multiple emulators (Hansen: column 3, line 36) further comprise emulators for different processors.

10. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traut in view of Krammer, Hansen and Devine et al. (US Patent 6,397,242, hereafter Devine).

Traut teaches a system and method for emulating the operation of a translation buffer (title) in an operating environment emulation system (Traut: column 6, line 30) with a host computer (Traut: column 6, lines 54-57); but fails to teach data files, multiple emulators as well as connectors with different operating systems. Hansen teaches coordinating measurement activity of a multiple of emulators (Hansen: column 3, line 36) while Krammer teaches data files ("data storage", Kammer: column 8, line 10) and connectors (Krammer: column 14, line 7). Devine teaches virtual machines (title) with different operating systems (Devine: column 1, lines 28-29).

All four pieces of art are analogous since each one teaches computer emulation.

Therefore it would have been obvious to one having ordinary skill in the art at the time of invention was made to utilize the various microprocessors of Hansen, the virtual serial ports of Krammer and the virtual machine monitor of Devine in the host computer of Traut because Hansen teaches a method for facilitating system restarts from selected conditions (Hansen, column: 4, lines 60-61) while Krammer teaches an efficient approach for providing the service name for a legacy application, so that the legacy

Art Unit: 2123

application is readily identifiable to the user (Krammer, column 4, lines 28-30). Devine teaches a method that allows the correct execution of the operating system in the virtual machine (Devine: column 2, lines 3-5).

Claim 11. A method of establishing an emulated operating environment (Traut: column 6, line 22) on a host computer, (Traut: column 6, lines 54-57) the method comprising: transferring a data file ("data storage", Kammer: column 8, line 10) containing necessary elements to emulate an operating system (Traut: column 6, line 30) from a first computer having an operating system (Traut: column 6, line 30) to be emulated to a memory device (Traut: column 5, line 61) upon which reside multiple emulators (Hansen: column 3, line 36) for multiple, different operating system (Devine: column 1, lines 28-29); disconnecting the memory device (user initiated) from the first computer; connecting the memory device (user initiated) to a host computer (Traut: column 6, lines 54-57) having an original operating system (Devine: column 3, lines 21-22); using the original operating system (Devine: column 3, lines 21-22) to load an emulator from the memory device to the host computer (Traut: column 6, lines 54-57) based upon the operating system (Traut: column 6, line 30) to be emulated; and executing the emulator to access the data file ("data storage", Kammer: column 8, line 10) to establish an emulated operating environment on the host computer (Traut: column 6, lines 54-57) to operate on the data file ("data storage", Kammer: column 8, line 10).

Art Unit: 2123

Claim 12. The method of claim 11, wherein method further comprises receiving a user input designating the emulator to be loaded from the memory device (Traut: column 5, line 61).

Claim 13. The method of claim 11, wherein the method further comprises selecting an emulator automatically, wherein the selection is made by the host computer (Traut: column 6, lines 54-57).

Claim 14. The method of claim 11, wherein connecting the emulation system to the host computer (Traut: column 6, lines 54-57) further comprises connecting the emulation system to an accessory device (i.e., PDA, laptop, Krammer: column 6, lines 58-60).

Claim 15. A method of insulating an operating environment emulator (Traut: column 6, line 22) from a host computer, (Traut: column 6, lines 54-57) the method comprising: connecting an emulation device (Hansen: column 3, line 36) to a host computer (Traut: column 6, lines 54-57); selecting an emulated operating system (Traut: column 6, line 30) from multiple emulated (Hansen: column 3, line 36) operating systems (Traut: column 6, line 30); executing the emulated operating system located on the emulation device on a processor (Devine: column 2, line 65-6) of host computer having an original operating system; disabling host task management on the original operating system (settings menu on operating system, e.g. Windows); routing input/output signals (Kammer: column 7, lines 31-37) only through the emulated operating system; and

Art Unit: 2123

activating an environmental shutdown by disabling (operating systems setting menu) the emulated operating system if necessary to prevent interactions between the original operating system and the emulated operating system (Traut: column 6, line 30).

Claim 16. The method of claim 15, wherein disabling further comprises completely isolating the host computer (remove outlets or disable settings on operating system setting menu).

Claim 17. The method of claim 15, wherein disabling further comprises allowing a user to define (user defined) allowed interactions between the (enable the settings on operating system setting menu) host computer and the emulation device.

Section II: Response to Arguments

11. Applicant's arguments, see page 5-9, filed 09/18/2006, with respect to the rejection(s) of claim(s) 1-7, 10-17 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Traut, Krammer, Hansen and Devine.

Art Unit: 2123

Correspondence Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

October 25, 2006

TS


PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
10/27/06